

CITY OF SURREY

BY-LAW NO. 7044

A by-law to regulate noise within the City of Surrey.
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As amended by By-laws No. 10118, 07/17/89; 11115, 01/13/92; 12268, 04/25/94; 14531, 10/22/01; 15028, 05/26/03; 16986, 07/27/09;

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY.

THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS, under the provisions of Section 932(c) of the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, the Council of a city is empowered to enact a by-law to regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the city which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the Council are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the city.

NOW THEREFORE, the City Council of the City of Surrey in open meeting assembled, ENACTS AS FOLLOWS:

1. A. DEFINITIONS

1. (a) Words defined in the "Motor Vehicle Act" being Chapter 288 of the Revised Statutes of British Columbia, 1979, and the "Municipal Act" being Chapter 290 of the revised Statutes of British Columbia, 1979, shall have the same meaning when used in this by-law unless defined in this by-law or unless the context otherwise requires.

(b) In this by-law, unless the context otherwise requires:

(i) "Council means the City Council of the City of Surrey;

- (ii) "City" means the City of Surrey or the area within the boundaries thereof as the context may require;
- (iii) "Inspector" means the person or persons appointed from time to time by Council to enforce and administer this by-law and shall include any Peace Officer;
- (iv) Deleted by By-law 10118 July 17, 1989;
- (v) "Noise Scare Device" means any device that uses sound as a means of bird control.
- (vi) "Peace Officer" shall have the same meaning as in the Interpretation Act being Chapter 206 of the Revised Statutes of British Columbia, 1979, plus the person or persons who are appointed to enforce and administer this by-law;
- (vii) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
- (viii) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

B. GENERAL REGULATIONS

1. No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
2. No person being the owner or occupier of real property shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
4. No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.

5. No hawker, huckster, pedlar, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
6. A Noise Scare Device may be used to protect berry crops within the City, subject to the following conditions:
 - (a) the property on which the Noise Scare Device is used is zoned to permit agricultural uses;
 - (b) the Noise Scare Device may only be operated between 06:30 hours to 12:00 hours and 15:00 hours to 20:00 hours or dawn to dusk (excluding 12:00 hours to 15:00 hours), whichever is of lesser duration;
 - (c) no more than one Noise Scare Device per two hectares of crop shall be operated at any one time;
 - (d) each Noise Scare Device being used shall be alternated or relocated at least once every four days;
 - (e) each Noise Scare Device, including its timing mechanism, shall be maintained to ensure its proper operation and that the device does not operate outside the hours permitted under (b) above;
 - (f) each Noise Scare Device shall only be used as part of a wildlife predation management plan and may not be operated on any lot prior to the onset of bird damage to the crop on the lot or after the crop on the lot is harvested;
 - (g) each Noise Scare Device shall be registered with the City's By-law Enforcement and Licensing Services Section by the owner or occupier of the lot on which the device is to be operated, such registration to specify a telephone number at which the owner or occupiers of the lot can be immediately contacted on a 24 hours-a-day and 7-days-a-week basis;
 - (h) each Noise Scare Device shall be legibly marked with the operator's name and 24-hour telephone number as referenced in (g) above;
 - (i) an owner/operator shall operate each Noise Scare Device with a firing frequency of no more than one firing per five minute period in the case of a single shot Noise Scare Device and not more than 11 activations or a maximum of 33 shots in any hour for each multiple shot Noise Scare Device. Multiple shots from a noise scare device are considered as one activation if the shots occur within a period of less than 30 seconds;

- (j) a Noise Scare Device shall not be located within 150 metres of a neighbouring residence that is located within the Agricultural Land Reserve and within 200 metres of a neighbouring residence located outside of the Agricultural Land Reserve. Where written permission from the owner of such neighbouring residence is obtained and submitted to the City in relation to reducing or waiving the separation distance, the Manager of By-law Enforcement and Licensing may approve a reduction or waiver of the specified separation distance between a Noise Scare Device and that neighbouring residence.

C. CONSTRUCTION HOURS

1. No person in the City shall on any day before 07:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
2. No person in the City shall for profit or gain on a Sunday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity.
3. Where it is impossible or impractical to comply with this section, the Inspector may give written approval to carry on the work that is found to be necessary at designated hours.

Responsibility for obtaining written approval lies with the person carrying on the work.

D. OTHER

1. No person shall operate any outdoor public address system in the City without first having obtained a permit for its operation.
2. No person shall operate a snow vehicle, motorboat or motorcycle which makes or causes noise.
3. Notwithstanding any provisions of this by-law, a person may perform work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

E. PENALTY SECTION

1. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law, is guilty of an offense against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offense.

2. Every person who commits an offense against this by-law is liable to a fine and penalty of not more than Two Thousand Dollars (\$2,000.00) and not less than One Hundred Dollars (\$100.00) for each offense, and in default of payment thereof, forthwith or within such times as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offense Act, being Chapter 305 of the Provincial Statutes of British Columbia, 1979, and all amendments thereto.

2. The following by-laws are hereby repealed:
 - "Surrey Noise Control By-law, 1964, No. 2263"

 - "Surrey Noise Control By-law, 1973, No. 2263,
Amendment By-law, 1964, No. 4144"

3. This By-law may be cited for all purposes as "Surrey Noise Control By-law, 1982, No. 7044."

PASSED by the Municipal Council on the 25th day of January, 1982.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of February, 1982.

_____ "D.A. ROSS" _____ MAYOR

_____ "W. VOLLRATH" _____ CLERK

